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FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

2008 DEC 19 AM 8:46

U.S. DISTRICT COURT  
MIDDLE DIST. OF GEORGIA  
MACON, GEORGIAQUESTIONNAIRE FOR PRISONERS PROCEEDING  
PRO SE UNDER 42 U.S.C. §1983FILED  
U.S. DISTRICT COURT  
MIDDLE GEORGIA  
2008 DEC 19 AM 9:23Deputy Clerk  
DEPUTY CLERKCLARENCE MARCELL PUROFOYG.D.C. 1049639

(GIVE FULL NAME AND PRISON NUMBER OF EACH PLAINTIFF)

Plaintiff(s)

VS.

CIVIL ACTION NO.

**5:08-CV-445**WARDEN CYNTHIA NELSONDEPUTY WARDEN WILLIAM POWELLLT. JAMES PHELPSLT. DONALD HARRIS(NAME OF EACH DEFENDANT) SEE ATTACH 10/2

Defendant(s)

## I. GENERAL INFORMATION

1. Your full name and prison number CLARENCE MARCELL PUROFOY 1049639
2. Name and location of prison where you are now confined ISDGE STATE PRISON  
P.O. BOX 276 CHESTER, GEORGIA 31012
3. Sentence you are now serving (how long?) 20 YRS SERVE 10 YRS.
  - (a) What were you convicted of? ARMED ROBBERY
  - (b) Name and location of court which imposed sentence WORTH COUNTY  
SUPERIOR COURT WORTH COUNTY, GEORGIA 3/79/
  - (c) When was sentence imposed? 09/20/2001
  - (d) Did you appeal your sentence and/or conviction? ☐ Yes ☒ No
  - (e) What was the result of your appeal? N/A
  - (f) Approximate date your sentence will be completed 05/20/2011

## II. PREVIOUS LAWSUITS

4. Other than the appeal of your conviction or sentence, have you ever submitted a lawsuit for filing in any federal or state court dealing with the SAME FACTS involved in this lawsuit or otherwise related to your imprisonment? ☒ Yes ☐ No

5. If your answer to question 4. is "Yes," list that lawsuit below, giving the following information: (IF YOU HAVE FILED MORE THAN ONE LAWSUIT, LIST OTHER LAWSUITS ON A SEPARATE SHEET OF PAPER, GIVING THE SAME INFORMATION FOR EACH)

(a) Parties to the previous lawsuit:

Plaintiff(s): CLARENCE M. PUROFOY 1049639

Defendant(s): SHERIFF FREDIE TOMPKINS

(b) Name of Court: MISSILE DISTRICT OF GA. (ALBANY DIVISION)

(c) Docket Number: \_\_\_\_\_ When did you file this lawsuit? \_\_\_\_\_

(d) Name of judge assigned to case: \_\_\_\_\_

(e) Is this case still pending ☐ Yes ☒ No

(f) If your answer to (e) is "No," when was it disposed of and what were the results?  
(DID YOU WIN? WAS THE CASE DISMISSED? DID YOU APPEAL?)

CASE DISMISSED; NO I DID NOT APPEAL

## III. PRESENT CONFINEMENT

6. Where are you now confined? DODGE STATE PRISON

(a) How long have you been at this institution? 10/14/08

(b) Does this institution have a grievance procedure? ☒ Yes ☐ No

(c) If your answer to question 6(b) is "Yes," answer the following:

(1) Did you present your complaint(s) herein to the institution as a grievance?

☐ Yes ☒ No

(2) What was the result? YOU CAN'T GRIEVE A DISCIPLINARY REPORT ONLY APPEAL. I WENT THROUGH THE COMPLETE APPEAL PROCESS AND APPEAL WAS GRANTED BY G.D.C. INMATE AFFAIRS

(d) What, if anything, have you done to bring your complaint(s) to the attention of prison officials? Give dates and places and the names of persons talked to.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. In what other institutions have you been confined? Give dates of entry and exit.

<u>COASTAL S.P. 2001 TO 2002</u>	<u>COFFEE C.I. 2005 TO 2007</u>
<u>HAYS S.P. 2002 TO 2003</u>	<u>CENTRAL S.P. 2007 TO 2007</u>
<u>VALDOSTA S.P. 2003 TO 2004</u>	<u>WILCOX S.P. 2007 TO 2008</u>
<u>RUTLEDGE S.P. 2004 TO 2004</u>	<u>DOUG S.P. 2008 TO PRESENT</u>
<u>MILAN S.P. 2004 TO 2005</u>	

#### IV. PARTIES TO THIS LAWSUIT

8. List the name and address of each plaintiff in this lawsuit.

CLARENCE MARCELL PUROFOY G.I.C. 1049639  
DOUG STATE PRISON  
P.O. BOX 276  
CHESTER, GA. 31012

9. List the full name, the official position, and the place of employment of each defendant in this lawsuit. (ATTACH ADDITIONAL PAGES IF NECESSARY)

CYNTHIA NELSON (WARDEN; CENTRAL S.P.)  
WILLIAM POWELL (DEPUTY WARDEN OF SECURITY; CENTRAL S.P.)  
LT. JAMES PHELPS (DISCIPLINARY HEARING OFFICER; CENTRAL S.P.)  
LT. DONALD HARRIS (SECURITY SUPERVISOR; CENTRAL S.P.)  
NURSE MARTHA BRADY (NURSE; CENTRAL S.P.)

SEE ATTACHES 1042

#### V. STATEMENT OF CLAIM

10. In the space hereafter provided, and on separate sheets of paper, if necessary, set forth your claims and contentions against the defendant(s) you have named herein. Tell the court WHAT you contend happened to you, WHEN the incident(s) you complain about occurred, WHERE the incident(s) took place, HOW your constitutional rights were violated, and WHO violated them? Describe how each defendant was involved, including the names of other persons who were also involved. If you have more than one claim, number and set forth each claim SEPARATELY.

Do not give any legal argument or cite any cases or statutes at this time; if such is needed at a later time, the court will advise you of this and will afford you sufficient time to make such arguments. **KEEP IN MIND THAT RULE 8 OF THE FEDERAL RULES OF CIVIL PROCEDURE REQUIRES THAT PLEADINGS BE SIMPLE, CONCISE, AND DIRECT!** If the court needs additional information from you, you will be notified.

## STATEMENT OF CLAIM (CONTINUED)

Where did the incident you are complaining about occur? That is, at what institution or institutions? CENTRAL STATE PRISON

When do you allege this incident took place? NOVEMBER 29, 2007

What happened? ON 11/29/07 AT 1725 HOURS I WAS PLACED IN SEGREGATION BY SGT. MARY GORE, PER CHIEF COUNSELOR SUBER THROUGH LT. DONALD HARRIS. AT THAT TIME ALLEGATIONS WAS NOT MADE KNOWN TO ME. HOWEVER, AT 2115 HOURS I WAS SERVED A DISCIPLINARY REPORT FOR MASTURBATION B-11 (DISCIPLINARY CASE # 531-07-1129). THE TIME OF THE OFFENSE 1730 HOURS. THERE IS NO WAY POSSIBLE FOR ME TO HAVE COMMITTED THIS VIOLATION WHEN IN FACT I WAS ALREADY IN SEGREGATION.

THIS DISCIPLINARY REPORT WAS WRITTEN BY NURSE MARTHA BRADSHAW, IN WHICH THE FACTUAL STATEMENT WAS FALSIFIED AND CONTRARY IN NATURE, AND NOT CONSISTENT WITH ANY FACTS. SHE STATED THAT AT THE END OF PILL-CALL SHE OBSERVED ME MASTURBATING. WHEN IN FACT PILL-CALL HAVEN'T EVEN STARTED. MEDICAL AND ALL OTHER LOG BOOK ENTRY WILL SHOW WHEN PILL-CALL STARTED AND ENDED.

LT. DONALD HARRIS WAS THE REVIEWING OFFICER OF THIS DISCIPLINARY REPORT. AS THE REVIEWING OFFICER HE WAS RESPONSIBLE FOR MAKING SURE THAT THE DISCIPLINARY REPORT WAS WRITTEN CORRECTLY AND CONSISTENT TO THE DISCIPLINARY HEARING POLICY. IF HE WOULD'VE DONE HIS DUTY AS PROSCRIBED HE WOULD'VE SEEN: 1) IT WAS NO WAY POSSIBLE FOR ME TO HAVE COMMITTED THE ALLEGED OFFENSE WHEN I WAS ALREADY IN SEGREGATION DURING THE TIME OF THE OFFENSE, 2) BEING A SHIFT SUPERVISOR THAT PILL-CALL HAVEN'T STARTED, AND 3) AT APPROX 1720 HOURS HE GAVE INSTRUCTIONS TO SGT. MARY GORE TO ESCORT ME TO SEGREGATION IN WHICH I WAS IN THERE AT 1725 HOURS.

CHIEF COUNSELOR SUBER WAS THE DUTY OFFICER WHEN HE CAME AROUND THE FOLLOWING DAY 11/30/07. I EXPRESSED MY CONCERNS ABOUT ME BEING IN SEGREGATION. HE SAID THAT HE AUTHORIZED IT. I ASKED BASED ON WHAT? HE SAID ALLEGATIONS. I THEN ASKED WHAT



11. List the name and address of every person you believe was a witness to the incident(s) you complain about, BRIEFLY stating what you believe each person knows from having seen or heard what happened. (USE ADDITIONAL SHEETS, IF NECESSARY)

MANAGER SHAVONNAH FIELDS, OF INMATE AFFAIRS UNIT G.I.C.  
OFFICE OF INVESTIGATIONS AND COMPLIANCE 2 M.L.K. JR. DR. S.E. EAST TOWER  
ATLANTA GEORGIA 30334. . . SHE'S THE ONE WHO OVERTURNED THE  
I.D.R. ON THE 2<sup>ND</sup> STEP OF APPEAL. SHE HAVE A COMPLETE RECORD OF ALL  
EVIDENCE.

12. BRIEFLY state exactly what you want the court to do for you. That is, what kind of relief are you seeking in this lawsuit? Do not make any legal arguments and do not cite any cases or statutes! (USE ADDITIONAL SHEETS, IF NECESSARY)

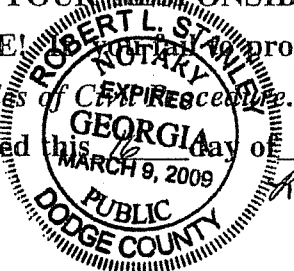
PUNITIVE DAMAGES; COMPENSATORY DAMAGES; INJUNCTIVE RELIEF;  
AND ANY OTHER RELIEF THE COURTS MAY GRANT. FOR CONSTITUTIONAL  
VIOLATIONS, CONSTITUTIONAL DEPRIVATION, VIOLATION OF OATH TO  
OFFICE, CONSPIRACY, AND VIOLATION OF RIGHTS  
THE AMOUNT FOR SAID DAMAGES IS UNDISCLOSED UNTIL FURTHER  
PROCEEDINGS

13. You may attach additional pages if you wish to make any legal argument. However, legal arguments are NOT required in order for you to obtain relief under §1983. If the court desires legal argument from you, it will request it. If any defendant presents a legal argument, you will be afforded an opportunity to respond thereto.

14. KEEP IN MIND THAT ONCE YOUR LAWSUIT IS FILED, THE COURT WILL REQUIRE YOU TO DILIGENTLY PROSECUTE IT. That means that you will be required to go forward with your case without delay. Thus, if you fail to adequately prepare your case before you file it, you may find your lawsuit dismissed for failure to prosecute if you take no action once it is filed. YOU WILL RECEIVE NO FURTHER INSTRUCTIONS FROM THE COURT TELLING YOU WHAT TO DO OR HOW TO DO IT! IT IS YOUR RESPONSIBILITY AND YOURS ALONE TO PROSECUTE YOUR OWN CASE! If you fail to prosecute your case, it will be dismissed under Rule 41 of the

Federal Rules of Civil Procedure.

Signed this 12 day of DECEMBER, 20 08.



*R. Stanley*

*Charlene Pucifay*  
 PLAINTIFF

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## NAME OF EACH DEFENDANT (ATTACHMENT)

NURSE MARTHA BRADSHAW

CO II MS. KENDRICK

SGT. MARY GORE

CHIEF COUNSELOR SUBER

JAMES DONALD COMMISSIONER

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## SECTION IV PARTIES TO THE LAWSUIT NUMBER 9 (ATTACHMENT)

CO II MS. KENDRICK (CORRECTIONAL OFFICER; CENTRAL S.P.)

SGT. MARY GORE (SGT.; CENTRAL S.P.)

CHIEF COUNSELOR SUBER (CHIEF COUNSELOR; CENTRAL S.P.)

JAMES DONALD (COMMISSIONER, GEORGIA DEPT. OF CORR.)

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## STATEMENT OF CLAIM (ATTACHMENT)

ALLEGATIONS. HE LOOKED AT ME AND WALKED AWAY FROM MY CELL WHEN I TALKED TO WARDEN NELSON AND DEPUTY WARDEN POWELL DURING INSPECTION SHOWING THEM MY DISCIPLINARY REPORT AND CELL DOOR SHEET (ADMINISTRATIVE SEGREGATION ASSIGNMENT MEMO) THEY TOO AGREED THAT IT WAS NOT POSSIBLE FOR ME TO HAVE COMMITTED THIS ALLEGED OFFENSE. BUT YET CHOSE NOT TO RECTIFY THE PROBLEM BUT STILL INSISTED THAT IT BE INVESTIGATED.

ON 12-07-07 MS. KENDRICK DID INVESTIGATE THE MATTER AND DID AN INVESTIGATIVE REPORT. SHE STATED IN HER FINDINGS THAT I WAS ALREADY LOCKED DOWN ACCORDING TO THE SEG. DOOR SHEET

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## STATEMENT OF CLAIM (ATTACHMENT)

(ADMIN. SEG. ASSIGNMENT MEMO) THEN SHE RECOMMENDED THAT THE DISCIPLINARY REPORT GO BEFORE THE DISCIPLINARY HEARING OFFICER (D.H.O.) TO BE HEARD WITHOUT COLLECTING ANY OTHER EVIDENCE THAT I REQUESTED SUCH AS J-BUILDING SECURITY AND G-BUILDING LOG BOOK ENTRIES AS TO WHEN I WAS PLACED IN SEGREGATION, AND MEDICAL AND SECURITY LOG BOOK AS TO WHEN PILL CALL STARTED AND ENDED, SO SHE COULD MAKE A CLEAR ANALYSIS OF ANY CONFLICTS BETWEEN WITNESSES, EVIDENCE, ETC., WHICH WOULD'VE SHED MORE LIGHT AS TO ME BEING INNOCENT.

ON 12/12/07 I WENT TO D.R. COURT D.H.O. LT. JAMES PHELPS HEARD AND SAW ALL THE EVIDENCE THAT WAS PRESENTED, THE INCONSISTENCY IN FACTUAL STATEMENT OF THE REPORTING OFFICER, THE CONFLICT BETWEEN IN TIME OF THE OFFENSE AND TIME COMMITTED TO SEGREGATION. LT. JAMES PHELPS CHOSE TO NEGATE IT AND FOUND ME GUILTY AND SANCTIONING ME TO 7 DAYS ISOLATION.

ON 12/13/07 I APPEALED THE FINDING AT D.R. COURT TO DEPUTY WARDEN WILLIAM POWELL FOR REVIEW. HE TO NEGATED ALL FACTS AND PROCEDURAL ERROR THROUGHOUT THE WHOLE PROCEEDING, AND THE INSUFFICIENCY OF EVIDENCE AND DENIED THE 1ST STEP OF MY APPEAL.

ON 12/13/07 THE D.R. FINDING WAS SENT TO WARDEN NELSON WHERE AS, SHE HAD FIRST HAND KNOWLEDGE OF MY CASE, AND CHOSE TO OVERLOOK THE FACT THERE IS NO CONSISTENCY BETWEEN THE FINDING AND SANCTION SHE APPROVED THE FINDING AT/OF D.R. COURT.



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STATEMENT OF CLAIM (ATTACHMENT)

ON 1/3/08 I APPEALED THOSE FINDINGS TO GA. DEPT. OF CORR.  
OFFICE OF INVESTIGATIONS AND COMPLIANCE INMATE AFFAIRS AND  
APPEAL. FOR A REVIEW OF MY CLAIMS.

ON 2/4/08 THE DISCIPLINARY REPORT WAS THOROUGHLY INVESTIGATED  
BY SHEVONIAH FIELDS THE MANAGER OF INMATE AFFAIRS UNIT, WHERE  
ALL DISCIPLINARY REPORT STEP 2 APPEALS IS INVESTIGATED.

UPON HER INVESTIGATION OF MY CLAIM AND EVIDENCE PRESENTED  
MY APPEAL WAS UPHOLD DUE TO A PROCEDURAL ERROR AND THE  
D.R. WAS EXPUNGED FROM MY RECORDS.

ON 11/10/08 WHILE AT IDAGE S.P. D.R. INVESTIGATOR COL MS.  
BOOKER ALLOWED ME TO HAVE THE COPY OF ALL DOCUMENTS  
PERTAINING TO THIS DISCIPLINARY CASE ALL PARTIES CONSPIRED TO  
CONCEAL THEIR ILLEGAL ACT BY FALSIFYING THE ADMIN. SEC.  
ASSIGNMENT MEMO TIME OF 1725 HOURS TO 1730 HOURS TO REFLECT  
THE SAME TIME OF THE OFFENSE WHICH WAS DONE BY SGT. MARY GORE.

THE ORIGINAL MEMO TIME IS 1725 HOURS WHICH WHICH IS  
CONSISTANT TO LOG ENTRY OF G-BUILDING AND D.R. INVESTIGATIVE  
SUMMARY BY COL MS. KENBRICK.

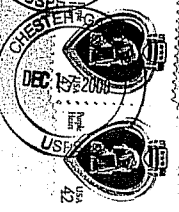
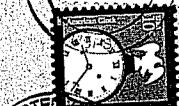
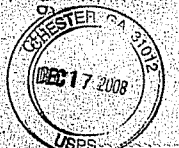
ALL LEGAL DOCUMENTS WAS SENT TO GA. DEPT. OF CORR. DURING  
APPEAL PROCESS IN WHICH THEY USED TO OVERTURN THE D.R.  
WHICH WILL BE RETRIEVED DURING DISCOVERY

DEFENDANT JAMES DONALD IS THE COMMISSIONER OF THE DEPARTMENT  
OF CORRECTION AND EMPLOY ALL DEFENDANTS NAMES.



LAWRENCE M. MURPHY # 1049639  
1044E STATE PRISON  
P.O. BOX 276  
CHESTER, GEORGIA 31012  
LOCK A-4-2113

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CLERK OF COURT GREGORY J. LEONARD

Chief of State Prison for the Middle District of Georgia

475 MULBERRY STREET

P.O. BOX 128

MACON, GEORGIA 31202-0128

